

d. means for creating a product for said consumer indicative of the results of said application of said transformed travel information to said consumer-specific travel profile and;

e. a content identification segment (CIS) for performing identification of potential said information sources.

A1
cont.

22. (Once Amended) The system of Claim 20, further including means for applying keyword analysis to said event/alert segment for analyzing said received event/alert.

A2

23. (Once Amended) An information system segment structured for use in a system for providing travel related information to a consumer having a consumer-specific profile, comprising:

a. a collection subsystem for obtaining information from at least one data source;

b. an analysis subsystem for filtering said obtained information to identify travel characteristics of said obtained information; and,

c. a distribution/storage subsystem for directing said filtered data to at least one portion of said system for providing travel related information, said distribution/storage subsystem having a component for classifying said filtered data as supplemental content or as an alert.

The Invention

The invention provides a method for providing travel-related information to a consumer having a consumer-specific profile. This method includes acquiring information from at least one information source; transforming the acquired information into information pertinent to travel related activities; using rules for applying the transformed travel information to the consumer-specific travel profile; and, creating a product for said consumer indicative of the results of the application of the transformed travel information to the consumer-specific travel profile. A system

implementation of this method is also provided in another aspect of the invention. It can be appreciated that the invention can also be embodied in a computer-readable medium.

In a further aspect of the invention, an information system segment is provided that is structured for use in a system for providing travel related information to a consumer with a consumer-specific profile. This information system segment includes a collection subsystem for obtaining information from at least one data source; an analysis subsystem for filtering the obtained information to identify its travel related characteristics; and, a distribution/storage subsystem for directing the filtered data to at least one portion of the system for providing travel related information.

Status of the Claims

Claims 1-10, 12 and 26 have been canceled. Claims 11, 13-25 and 27-32 remain pending in this application.

Claims 16 and 17 stand rejected under 35 U.S.C. § 112, first paragraph.

Claim 22 stands rejected under 35 U.S.C. § 112, second paragraph.

Claims 23 and 27 stand rejected under 35 U.S.C. § 101.

Claims 11, 13-18, 20, 21, and 23-25, and 27- 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Ehret et al.*, U.S. Patent No. 5,006,985.

Claim 32 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ehret* in view of *Tagawa*, WO 97/17680 and *Simpson et al.*, U.S. Patent No. 5,999,882.

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ehret* in view of *Kettner et al*, "When Vacations Turn Sour..."

The drawings have been objected to.

Objection to the Drawings

Attached are formal drawings to replace the informal drawings submitted with the original application.

Claims 16 and 17 stand rejected under 35 U.S.C. § 112, first paragraph.

✓ Claims 16 and 17 stand rejected under 35 U.S.C. § 112, first paragraph and, more specifically, the Examiner states that the specification and drawings do not disclose support for the report sections claimed. Applicants note that the specification at page 13, lines 12-13 sets forth the report sections recited in Claim 16. Applicants further note that the specification at page 13, lines 15-17 sets forth the report sections recited in Claim 17. As the specification discloses support for the report sections recited in claims 16 and 17, Applicants request that the Examiner withdraw the rejection set forth in paragraph 2 of the February 24, 2003 Office Action.

✓ Claim 22 stands rejected under 35 U.S.C. § 112, second paragraph.

Claim 22 stands rejected under 35 U.S.C. § 112, second paragraph. Claim 22 has been amended as suggested by the Examiner. Accordingly, Applicants request that the Examiner withdraw the rejection set forth in paragraph 3 of the February 24, 2003 Office Action.

✓ Claims 23 and 27 stand rejected under 35 U.S.C. § 101.

Claims 23 and 27 stand rejected under 35 U.S.C. § 101 and, more specifically, the Examiner contends that the claims are not within the technological arts because the steps may be performed by a travel agent. Applicants note that claim 23 recites “an analysis subsystem for filtering said obtained information.” Applicants further note that the specification states that the an analysis subsystem for filtering said obtained information “operates with a marshaled query on information returned by the Collection subsystem,” and that “[s]uch queries can be done, for example, by using meta data searches, with On-Line Analytical Processing (OLAP) tools, or using conventional pattern recognition technologies.” While a travel agent may be able to use a search engine, the travel agent cannot perform a meta data search or other on-line analysis methods. That is, the actual meta data search is performed by an apparatus. Accordingly, claim 23 recites a device within the technological arts.

Claim 27 recites a “computer-readable medium containing instructions for controlling a computer system to provide travel-related information to a consumer having a consumer-specific profile.” Claims reciting devices such as a computer-readable medium were specifically in *In re Beauregard*, 35 U.S.P.Q.2d 1383 (Fed.

Cir. 1995). In *Beauregard* the Commissioner specifically stated that “computer programs embodied in a tangible medium, such as floppy diskettes, are patentable subject matter under 35 U.S.C. § 101....” *Id.* at 1384. Accordingly, Claim 27 recites patentable subject matter.

Applicants request that the Examiner withdraw the rejection set forth in paragraph 4 of the February 24, 2003 Office Action.

Claim 11, 13-18, 20, 21, and 23-25, and 27- 31; Rejected under 35 U.S.C. § 102(b)

Claim 11, 13-18, 20, 21, and 23-25, and 27- 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Ehret et al.*, U.S. Patent No. 5,006,985. Applicants note that the Examiner has indicated that the former claim 12 would have been allowable if rewritten in independent form. The recitations of claim 12 have been incorporated into Claim 11 as well as claim 27. Accordingly, claims 11 and 27, as well as any claim that depends from either claim 11 or 27, should be allowable as amended. Thus, only independent claim 23, and claims that depend therefrom, have not been addressed.

In dependent claim 23, which has been amended to include the recitations of former claim 26, recites an information system segment structured for use in a system for providing travel related information to a consumer having a consumer-specific profile that includes a distribution/storage subsystem for directing said filtered data to at least one portion of said system for providing travel related information, *wherein the distribution/storage subsystem has a component for classifying the filtered data as supplemental content or as an alert.* The italicized words represent the recitation of former claim 26. The Examiner contends that former claim 26 was anticipated by *Ehret et al.* and, more specifically by *Ehret et al.* at Col. 7, lines 3-14.

The portion of *Ehret et al.* cited by the Examiner reads in whole:

FIG. 6 is the Potential Scheduling Problems display screen. This screen shows the event schedule and indicates if insufficient time has been allowed to overcome the phase change effects. For example, the system recommends that the traveler shift to the new time zone no later than three (3) days before the event in Milan as illustrated in display area 605. This corresponds to the date "4/03" illustrated in display area 610. This date is illustrated in bold to indicate

that insufficient time has been scheduled to fully adapt to the shift in time zones prior to the event in Milan and the traveler should expect to experience some effects of jet lag at that event.

As such, the *Ehret et al.* reference does not disclose *a distribution/storage subsystem that has a component for classifying the filtered data as supplemental content or as an alert*. That is, *Ehret* does not disclose a system wherein data may be classified into one of two tiers. Accordingly, *Ehret et al.* does not disclose the invention as recited in claim 23 as amended and Applicants request that the Examiner withdraw the rejection set forth in paragraph 5 of the February 24, 2003 Office Action.

Claim 32 stands rejected under 35 U.S.C. § 103(a)

Claim 32 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ehret et al.* in view of *Tagawa*, WO 97/17680 and *Simpson et al.*, U.S. Patent No. 5,999,882. *Ehret et al.* discloses a computer system that advises a person how to minimize the effects of jet lag or shift work by altering selected activities and diet. After selected personal information is collected, a user may be given a schedule whenever travel tickets are purchased. This reference does not disclose that the schedule could be delivered to the user via the Internet, nor does the system utilize the Internet. *Tagawa* discloses a self-service system for travel related services such as hotel selection and car rental. This system does not address any system for reducing the effects of jet lag or shift work by altering selected activities and diet. *Simpson et al.* discloses a system to provide weather information to a traveler along the traveler's route. This system does not address any system for reducing the effects of jet lag or shift work by altering selected activities and diet. Accordingly, the Examiner has identified three references, each of which recites a separate element of claim 32.

However, as stated in, *In re Geiger*, 815 F.2d 686, 2 U.S.P.Q.2d 1276 (Fed. Cir. 1987), "obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting combination." (emphasis added) (attached as appendix 1). Put another way, "the mere fact that disclosures or teachings of the prior art can be retrospectively combined for the purpose of evaluating obviousness/ nonobviousness issue does not

make the combination set forth in the invention obvious, unless the art also suggested the desirability of the combination” *Rite-Hite Corp. v Kelly Co.*, 629 F.Supp. 1042, 231 U.S.P.Q. 161, (attached as appendix 2) *aff’d* 819 F.2d 1120, 2 U.S.P.Q.2d 1915 (E.D.Wis. 1986) (emphasis added). Similarly, the court in, *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991), stated that “both the suggestion [to make the claimed apparatus] and the reasonable expectation of success must be found in the prior art, not in the applicant’s disclosure.” (attached as appendix 3).

Here, there is no suggestion that the cited references should be combined as recited in claim 32. As such, Applicants request that the Examiner withdraw the rejection set forth in paragraph 6 of the February 24, 2003 Office Action.

Claim 19 stands rejected under 35 U.S.C. § 103(a)


Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ehret et al.* in view of *Kettner et al.*, “When Vacations Turn Sour...” As noted above, *Ehret et al.* discloses a computer system that advises a person how to minimize the effects of jet lag or shift work by altering selected activities and diet. *Kettner et al.* is a magazine article suggesting the advantages of Error and Omission insurance. Initially it is noted that *Ehret et al.* is directed to a traveler and *Kettner et al.* is directed to a travel agent. Moreover, there is no teaching, suggestion, or incentive supporting the combination of these references. As such, Applicants request that the Examiner withdraw the rejection set forth in paragraph 7 of the February 24, 2003 Office Action.

Summary

In view of the remarks set forth hereinbefore, Applicants respectfully suggest that Claims 16 and 17 meet the requirements of 35 U.S.C. § 112, first paragraph. Applicants further suggest that Claim 22 meets the requirement of 35 U.S.C. § 112, second paragraph. It is further requested that the Examiner withdraw the rejection of Claims 23 and 27 under 35 U.S.C. § 101. Applicants further suggest that Claims 11, 13-18, 20, 21, and 23-25, and 27- 31 are not anticipated by *Ehret et al.*. Applicants

further suggest that Claim 32 is patentable over *Ehret* in view of *Tagawa* and *Simpson*, and Claim 19 is patentable over *Ehret* in view of *Kettner*.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. C. Jenkins', with a long, sweeping horizontal line extending to the right.

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VERSION TO SHOW CHANGES MADE

11. (Once Amended) A computer system for providing travel related information to a consumer having a consumer-specific profile, comprising:

- a. means for acquiring information from at least one information source;
- b. means for transforming said acquired information into information pertinent to travel related activities;
- c. means for applying said transformed travel information to said consumer-specific travel profile; [and,]
- d. means for creating a product for said consumer indicative of the results of said application of said transformed travel information to said consumer-specific travel profile[.] and;
- e. a content identification segment (CIS) for performing identification of potential said information sources.

22. (Once Amended) The system of Claim 20, further including means for applying keyword analysis to said event/alert segment for analyzing said received event/alert.

23. (Once Amended) An information system segment structured for use in a system for providing travel related information to a consumer having a consumer-specific profile, comprising:

- a. a collection subsystem for obtaining information from at least one data source;
- b. an analysis subsystem for filtering said obtained information to identify travel characteristics of said obtained information; and,
- c. a distribution/storage subsystem for directing said filtered data to at least one portion of said system for providing travel related information, said distribution/storage subsystem having a component for classifying said filtered data as supplemental content or as an alert.